

REMARKS

The issues outstanding in the Office Action mailed July 18, 2008, are the rejections under 35 U.S.C. 102 and 103. Reconsideration of these rejections, in view of the following discussion, is respectfully requested.

Rejections Under 35 U.S.C. 102

Claims 1-12 and 14-15 have been rejected under 35 U.S.C. 102(e) over Sterzel '384. Reconsideration of this rejection is respectfully requested.

As noted at page 2 of the Office Action, Sterzel teaches a process for preparing barium titanate or strontium titanate by reacting titanium *alkoxides* with barium hydroxide hydrate or strontium hydroxide hydrate. See paragraph 6. Thus, the disclosure of the reference differs from the present claims at least in that the reference does not disclose a process in which a first *metal* or mixture of *metals* A is subjected to dissolution in an anhydrous solvent or solvent mixture. In the reference, titanium alkoxides, rather than titanium metal, are employed. The use of such metal salts does not teach the use of metals to one of ordinary skill in the art.

Moreover, even in the embodiment of the invention described in paragraph 16 of the application wherein a "portion" of the barium hydroxide hydrate or strontium hydroxide hydrate is replaced by anhydrous barium hydroxide or strontium hydroxide, the patent does not teach or suggest a process employing *anhydrous* solvent for dissolution of the first metal, since the overall solvent therein remains water containing. (Note the disclosure that two to four mols of water per mol of titanate are introduced via water of crystallization.) Replacement of a portion of solvent does not make the solvent, per se, anhydrous. As a result, the patent application fails to teach or suggest the present claims, and withdrawal of the rejection under 35 U.S.C. 102/103 is respectfully requested.

Claims 1-12 and 14-15 have also been rejected under 35 U.S.C. 102(b) or, in the alternative 103 over Hirai '614. Reconsideration of this rejection is also respectfully requested.

Hirai discloses a method for preparing a non-aqueous dispersion of particles of a metal and/or metal compound, by contacting an aqueous dispersion of particles of a metal or metal

compound and a water-immiscible non-aqueous liquid in the presence of the surfactant and in the presence or absence of at least one salt. See column 3, lines 21-28. Because the patent uses an aqueous dispersion of particles, it does not disclose or suggest dissolution of a metal in an anhydrous solvent or solvent mixture. Example 34, noted in the Office Action, produces a hydrolyzate, and it is simply not seen that this example teaches or suggests the claimed process. Withdrawal of this rejection is also respectfully requested.

Claims 1-10, 12 and 14-15 have also been rejected under 35 U.S.C. 102(b), or in the alternative 103, over Watari '475. Reconsideration of this rejection is also respectfully requested.

Watari discloses a sintering method for particulate material, and an apparatus for performing said sintering. In example 3, noted at page 3 of the Office Action, the Applicants combine metallic barium, titanium isopropoxide, acetylacetone, *water*, acetic acid and isopropyl alcohol together at once. Accordingly, the Applicants herein also do not disclose a process in which a metal is subjected to dissolution in an anhydrous solvent or solvent mixture. Moreover, it is not seen that the patent produces particles. Withdrawal of this rejection is therefore also respectfully requested.

Claims 1-10 and 14-15 have also been rejected under 35 U.S.C. 102 or, in the alternative, 103 over Ying '519. Reconsideration of this rejection is also respectfully requested.

Ying discloses a process for producing particles (paragraph 10) involving, for example, provision of an emulsion with a water content of 1 to 40% (paragraph 11) drying an emulsion including particles (paragraph 14 and 15) performing a reaction in the presence of a reverse emulsion (paragraph 16) oxidizing hydrocarbons in the presence of metal oxides (paragraph 17) etc. Most of these techniques appear to employ water. See paragraph 32. Example 2, noted in the Office Action, involves a process wherein barium metal is contacted with 2-propanol and reacted with aluminum isopropoxide. However, the application indicates, in this example, that "no solid residues were observed after refluxing." In order to produce particles, hydrolysis (i.e., reaction with water) must be performed. See paragraph 82. Thus, the application neither anticipates nor suggests a process whereby, after dissolution of metal and anhydrous solvent, and reaction of said solution with alkoxide, particles are produced. Accordingly, withdrawal of this

rejection is also respectfully requested.

Finally, claim 13 has been rejected under 35 U.S.C. 103 over Sterzel or Hirai or Watari or Ying. Inasmuch as these references all fail to disclose the presently claimed process as discussed above, it is submitted that they equally fail to disclose claim 13, which recites a specific temperature range. Withdrawal of this rejection is therefore also respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, should the Examiner have any questions or comments, he or she is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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